

CITY COMMISSION MINUTES

December 16, 2008

7:00 p.m.

The regular meeting of the Junction City City Commission was held on Tuesday, December 16, 2008 with Mayor Mick Wunder presiding.

The following members of the Commission were present: Terry Heldstab, Mike Rhodes, Ken Talley, Jack Taylor and Mick Wunder. Staff present was: Assistant City Manager Mike Guinn, City Clerk Tricia Gowen, City Engineer Christina Cook, and City Attorney Catherine Logan (via phone).

PLEDGE OF ALLEGIANCE

CONSENT AGENDA

Commissioner Rhodes moved, seconded by Commissioner Heldstab to approve the Consent Agenda. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried. The Consent Agenda consisted of the following:

- a. Approval of the **December 2, 2008**, City Commission meeting minutes.
- b. Approval of the **December 4, 2008**, Special City Commission meeting minutes.
- c. The consideration of **Appropriation Ordinance** dated November 13, 2008, through December 10, 2008, in the amount of \$1,405,018.72.
- d. **Monthly Department Reports**
 1. Rolling Meadows Golf Course
 2. Personnel
 3. Water
 4. Fire/EMS
 5. Police
 6. Recreation
 7. Codes
- e. The consideration and approval of **Ordinance S-3046** repealing Ordinance S-3030, which established a Rural Housing Incentive District within the City and adopted a plan for the development of housing and public facilities in such District (Sutter Highlands/Sutter Woods) (**Final Reading**).
- f. The consideration and approval of **Ordinance G-1045** requiring any fence additional information for permit applications by replacing the existing Section 400.280 with the following to Title IV (Fence) (**Final Reading**).
- g. The consideration and approval of **Submission of ICMA (International City/County Management Association) Public Library Innovation Grant** on January 9, 2009, for \$60,000.00. (No matching funds to be provided by the City.)
- h. The consideration and approval of **Pay Request #16** by BG Consultants for construction management services through November, 30, 2008, for the Rucker Road – US77 to Whitney project, in the amount of \$16,485.16.

- i. The consideration and approval of **Pay Request #4** by Kaw Valley Engineering for construction management and observation services through November 23, 2008, on the Spring Valley Road – McFarland Road to Wildcat Lane project, in the amount of \$12,654.00.
- j. The consideration and approval of **Pay Request #6** by J&K Contracting, LC, for construction services through November 5, 2008, for the Thompson Drive/Ehlers's Hilltop Pavement Patching project, in the amount of \$18,864.73. (Project is 100% complete.)
- k. The consideration and approval of **Grant of Temporary Construction Easement and Donation of Right-of-Way** from Karl Capps, Block 1 of Mann's Ranch, Addition Unit #1, for the construction of Spring Valley Road – Fox Sparrow Court to Sutter Woods Road. This is at no cost to the City.
- l. The consideration and approval of **Grant of Temporary Construction Easement and Donation of Right-of-Way** from Craft Builders, Block 3 of Sutter Highlands Subdivision, for the construction of Spring Valley Road – Fox Sparrow Court to Sutter Woods Road. This is at no cost to the City.
- m. The consideration and approval of **Grant of Temporary Construction Easement and Donation of Right-of-Way** from Troy Letourneau, Tract D, Block 1 of Sutter Woods Subdivision, for the construction of Spring Valley Road – Fox Sparrow Court to Sutter Woods Road. This is at no cost to the City.
- n. The consideration and approval of **Grant of Easement, Right-of-Way and Dedication of Street Right-of-Way** from Charles E. Munson Trust, located at the Northeast corner of K-18 and Spring Valley Road, for the construction of Spring Valley Road – Fox Sparrow Court to Sutter Woods Road. This is at no cost to the City.
- o. The consideration and approval of **Request to Submit and Amend** the Transportation Revolving Loan Fund 2005, Street Maintenance Overage, to add the Opera House Overlay and the asphalt paving of the Ventría Bioscience Facility to the loan and to amend the loan amount not to exceed \$192,616.10.
- p. The consideration and approval of **R-2528** to install one (1) street light for the purpose of lighting the area of Republican Road, approximately 100 feet east of the intersection of Highway K-57, in the street right-of-way, at a cost of \$8.31 per month.
- q. The consideration and approval of **Pay Request #3** by Wrench Construction for services on the Freeman Field Taxilane Reconstruction project, in the amount of \$209,655.66. (Project is 100% complete.)
- r. The consideration and approval of **Pay Request #1** by Gery Schoenrock for construction costs to Garfield Garden Homes, in the amount of \$110,000.00. (Project is 100% complete.)

CELEBRATIONS

City Engineer, Christina Cook, reviewed the Engineering Department's accomplishments, current projects and future projects with the Commission.

SPECIAL PRESENTATIONS

- a. A special presentation by USD 475. **(Removed from agenda)**
- b. A presentation by HNTB on the US 77/K-18 Corridor Management Plan. **(Rescheduled to January 6, 2009, meeting.)**
- c. A special presentation to the Chamber of Commerce and Randy's Tree Service. Water Utility & Parks Director, Ed Lazear, presented the Chamber of Commerce and Randy's Tree Service with certificates of appreciation for their assistance with setting up the Christmas lights in Heritage Park. The City saved approximately 50% with their assistance.

UNFINISHED BUSINESS

- a. The consideration and approval of **Ordinance S-3048** amending and supplementing Ordinance S-2777 that authorized the City of Junction City to issue taxable multifamily residential rental revenue bonds (Hunter's Ridge), in a principal amount not exceeding \$20,000,000.00. **(First Reading) (Tabled from December 2, 2008, meeting).** City Attorney, Katie Logan, stated that Sarah Steele with Gilmore and Bell handled the first development agreement in 2004. This is the second inducement that the developer is asking to extend. Ms. Logan stated that there is no financial obligation to the City. Commissioner Talley moved, seconded by Commissioner Taylor to approve Ordinance S-3048 amending and supplementing Ordinance S-2777 that authorized the City of Junction City to issue taxable multifamily residential rental revenue bonds (Hunter's Ridge) in a principal amount not to exceed \$20,000,000.00 with amending the extension to a one year period to end December 31, 2009 (First Reading). Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- b. The consideration and approval of **Notice of Award** to HWS Consulting Group for construction management and construction observation for Spring Valley Road – Fox Sparrow Court to Sutter Woods Road, in an amount not to exceed \$85,583.36. Commissioner Talley moved, seconded by Commissioner Rhodes to approve the Notice of Award to HWS Consulting Group for construction management and construction observation for Spring Valley Road – Fox Sparrow Court to Sutter Woods Road in an amount not to exceed \$85,583.36. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- c. The consideration and approval of **Petition for Vacation of Easement** at Lot 1, Block 1, Central National Bank Addition at US77 and Ash, in the amount of \$1,353.81. City Engineer, Christina Cook, informed the Commission that the cost per square foot was calculated at \$.30 per square foot. Central National Bank plans to use this area for signs and parking. Ms. Cook stated that City staff recommends granting the easement without charging the cost of the land. Commissioner Heldstab moved, seconded by Commissioner Taylor to approve the Petition for Vacation of Easement at Lot 1, Block 1, Central National Bank Addition at US77 and Ash less the payment of \$1,353.81. Ayes: Heldstab, Taylor, Wunder. Nays: None. Abstention: Rhodes, Talley. Motion carried three to zero with two abstentions.

NEW BUSINESS

- a. The consideration and approval of **Amended Development Agreement** for Empire Today concerning meeting the benchmarks for employment. Steve Struebing, owner of the building, and a representative from Empire Today addressed the Commission concerning this issue. Mr. Struebing stated that he feels the amendment is fair. Empire Today is asking for an extension from five to seven years and changing the benchmarks. Empire Today is committed to repay \$1.87 million if Empire Today does not honor the agreement. Jeffrey Black, Economic Development Director, stated that he believes that Empire Today will be able to deepen their labor pool in the near future. Commissioner Taylor stated that he is concerned with being able to replenish the employee base with another call center. He is also concerned with the housing market and what the future holds. He stated that projections are just that – projections. Commissioner Talley stated that he is concerned that we as a City attempt to benefit good people with jobs and would hate to turn away 100+ jobs this time when Empire Today is willing to work with the City. He stated that jobs are very important to our community. Commissioner Taylor stated he would feel more comfortable to table this action until the Economic Development Commission gave their input. Assistant City Manager informed the Commission that this was an agreement between Empire Today and the City; EDC was not involved and had no input. Commissioner Rhodes stated that he was not happy about amending the agreement; however, he appreciates Empire Today coming to the Commission before the situation got out of hand. Commissioner Taylor requested that the Commission be kept informed on a regular basis of the status of Empire Today. Mr. Guinn stated that the EDC is currently working on a process to do just that. Commissioner Rhodes moved, seconded by Commissioner Taylor to approve the Amended Development Agreement for Empire Today concerning meeting the benchmarks for employment. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- b. The consideration and approval of **Neighborhood Revitalization Application** by Mark Powers to build a commercial building at 1742 W. Ash, at an approximate cost of \$504,000.00. The project qualifies for 95% tax rebate for three years. (EDC voted 8-0-1 in favor.) Assistant City Manager, Mike Guinn, informed the Commission that Handy Express, LLC plans to install a fully automated car wash at 1742 W. Ash. Construction will begin as soon as the weather permits and plans to be completed no later than April 15, 2009. There will be one stall and have one employee. Commissioner Talley moved, seconded by Commissioner Taylor to approve the Neighborhood Revitalization Application by Mark Powers to build a commercial building at 1742 W. Ash at an approximate cost of \$504,000.00. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- c. The consideration and approval of **Ordinance S-3022**, which amends and repeals Resolution No. 1558, revising Ordinance of the City and establishing the boundaries and corporate limits of the City of Junction City (**First Reading**). City Engineer, Christina Cook, informed the Commission that this Ordinance must be approved by the end of the year for tax purposes. Commissioner Talley moved, seconded by Commissioner Rhodes to approve Ordinance S-3022 which amends and repeals Resolution No. 1558 revising Ordinance of the City and establishes the boundaries and corporate limits of the City of Junction City (First Reading). Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

1. The **Request for Declaration of Emergency for Ordinance S-3022**, which amends and repeals Resolution No. 1558, revising Ordinance of the City and establishing the boundaries and corporate limits of the City of Junction City.
 2. The consideration and approval of **Ordinance S-3022**, which amends and repeals Resolution No. 1558, revising Ordinance of the City and establishing the boundaries and corporate limits of the City of Junction City (**Final Reading**). Commissioner Heldstab moved, seconded by Commissioner Talley to approve the Request for Declaration of Emergency for Ordinance S-3022 and the approval of Ordinance S-3022 which amends and repeals Resolution No. 1558 revising Ordinance of the City and establishing the boundaries and corporate limits of the City of Junction City (**Final Reading**). Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- d. The consideration and approval of **PR-08-03** for proposed pay grades with minimum wages and maximum wages for each grade and to request a 2% cost of living adjustment for 2009 non-union City employees. (Cost of living adjustment excludes City Manager, Assistant City Manager and Department Heads.) Administrative Services Director, Tricia Gowen, informed the Commission that this resolution outlines who is eligible for the 2% COLA and the anniversary increase. Commissioner Rhodes moved, seconded by Commissioner Talley to approve PR-08-03 for proposed pay grades with minimum wages and maximum wages for each grade and to request a 2% cost of living adjustment for 2009 non-union City employees (COLA excludes the City Manager, Assistant City Manager and Department Heads). Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
 - e. The consideration and approval of **Grant of Easement and Installation of Two Additional Wells (MW6 and MW7)**, by Coranco Great Plains, Inc., at 326 S. Washington, to assess the extent of contamination from the former gasoline underground storage tanks. Commissioner Heldstab moved, seconded by Commissioner Talley to table this action. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
 - f. The consideration and approval of **Change of Fees for Park and Recreation Facilities for 2009**. Commissioner Heldstab moved, seconded by Commissioner Talley to approve the change of fees for Park and Recreation Facilities for 2009. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
 - g. The consideration and approval of **Change Order #1** by Ebert Construction to deduct \$26,226.62, from the original contract amount of \$1,704,771.98, for the Spring Valley Road – Fox Sparrow Court to Sutter Woods project. Commissioner Rhodes moved, seconded by Commissioner Heldstab to approve Change Order #1 by Ebert Construction to deduct \$26,226.62 from the original contract amount of \$1,704,771.98 for the Spring Valley Road – Fox Sparrow Court to Sutter Woods project. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
 - h. The consideration and approval of **R-2529** amending and supplementing Resolution No. R-2476, which determined the advisability of the making of certain internal improvements in the City. (Storm water sewer improvements-Deer Creek Addition.) City Engineer, Christina Cook, stated that the amount is to be assessed equally over 122 lots in Deer Creek. Commissioner Taylor stated that he feels the developer should be responsible, not the potential owner. Mayor Wunder stated that he is concerned that those who don't have the problem still have to pay. Commissioner Rhodes moved, seconded by Commissioner Taylor to table this action until the City Attorney can

research and return to the Commission with options. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

GENERAL DISCUSSION

(The Commission requests that comments be limited to a maximum of five minutes for each person).

None.

COMMISSIONER COMMENTS

Commissioner Taylor stated that it his understanding that the Golf Advisory Board has no teeth. He wants the Golf Professional to come to the Advisory Board and the board can make recommendations. Assistant City Manager, Mike Guinn, stated that City staff is researching and a meeting will be scheduled. Commissioner Taylor stated the he wants the Golf Advisory Board to work like the Economic Development Board.

Commissioner Heldstab stated that Veolia has been delivering trash carts. He inquired if citizens can call Veolia if a cart is delivered to a residence that is vacant. Steve Hoambrecker with Veolia informed the Commission that citizens can call Veolia if this occurs. He stated that the cart company is delivering the carts, not Veolia. Commissioner Heldstab asked citizens to be patient during this transition.

Commissioner Rhodes stated that there was a filer in the water bill concerning tax information with USD 475. Water Utility & Parks Director, Ed Lazear, stated that this is a program offered for adults through the school district to help with taxes. Commissioner Rhodes stated that he heard on the radio that the County feels the City is not doing right be them with regards to Zoning and Inspection. Assistant City Manager, Mike Guinn, stated that it is his understanding that the County is working with a consultant on the zoning issue. Mr. Guinn has not heard any complaints.

Mayor Wunder stated that he had not heard any complaints about the County not being happy with the City's zoning services. He stated that he received an email from Lisa Eickholdt, County Personnel Director, informing him that the County wants City staff to meet with the consultant about zoning and codes. The City is unaware of any deficiencies in the zoning/codes area; no one has approached the City staff. Mr. Guinn stated that he would contact the County. Mayor Wunder stated that Veolia has all four snow plows out and are handling the snow removal. The new round-a-bout can not have salt on it due to the concrete not being completely cured.

STAFF COMMENTS

Assistant City Manager, Mike Guinn, stated the cart delivery is running behind due to the weather. The carts are subject to the City's current ordinance with regards to setting out trash no more than 24 hours before pick up day and removing the cart within 24 hours.

Grant Administrator, Sarah Talley, stated that she represented the City at the County meeting and no information was shared with her with regards to any complaints about the zoning/codes services. The County did state that the consultant wants to meet with City staff.

EXECUTIVE SESSION

- a. Commissioner Rhodes moved, seconded by Commissioner Heldstab to adjourn into executive session at 8:48 p.m. to reconvene by 8:58 p.m. to discuss matters related to discussions prior to acquisition of real estate. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried. Included in the Executive Session were the Commission, Assistant City Manager, and City Engineer.

Commissioner Rhodes moved, seconded by Commissioner Talley to reconvene into regular session at 8:58 p.m. having made no decisions nor taken any action while in executive session. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

- b. Commissioner Heldstab moved, seconded by Commissioner Talley to adjourn into executive session at 8:59 p.m. to reconvene by 9:14 p.m. to discuss confidential data relating to financial affairs or trade secrets of second parties. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried. Included in the Executive Session were the Commission, Assistant City Manager, and the Economic Development Director.

Commissioner Heldstab moved, seconded by Commissioner Talley to reconvene into regular session at 9:14 p.m. having made no decisions nor taken any action while in executive session. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried


- c. Consultation with an attorney on matters that would be deemed privileged in an attorney-client relationship. (Rescheduled to December 22, 2008, Special Commission Meeting.)

ADJOURNMENT

Commissioner Heldstab moved, seconded by Commissioner Taylor to adjourn at 9:15 p.m. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion Carried.

APPROVED AND ACCEPTED THIS 6th DAY OF JANUARY 2009 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR DECEMBER 16, 2008.


Tricia Gowen, City Clerk


Mick Wunder, Mayor